

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WISCONSIN  
EAU CLAIRE DIVISION**

**R. ALEXANDER ACOSTA**, Secretary  
of Labor, United States Department of Labor,

Petitioner,

v.

**CHARLES BOWERS**, an individual,  
**DONNA K'S BAR AND FAMILY  
DINER LLC**, a Wisconsin company,  
and **LOST AT DK LLC**, a Wisconsin  
company.

Respondents.

Civil Action No.: 3:18-cv-00949

**DECLARATION OF WAGE AND HOUR ASSISTANT DISTRICT DIRECTOR JENNA  
CARTE IN SUPPORT OF THE SECRETARY'S MOTION FOR AN ORDER TO SHOW  
CAUSE**

JENNA CARTE hereby states and declares on personal information and belief as follows:

1. I am an Assistant District Director for the Milwaukee Area Office of the United States Department of Labor, Wage and Hour Division. As part of my duties, I supervise and lead Wage and Hour's investigations to ascertain compliance with the Fair Labor Standards Act ("FLSA").
2. I have been assigned to supervise an investigation into Respondents Charles Bowers ("Mr. Bowers"), Donna K's Bar and Family Diner LLC ("Donna K's"), and Lost at DK LLC's ("Lost at DK") compliance with FLSA.
3. I have reviewed all of the documents Mr. Bowers, Donna K's, and Lost at DK have produced to date.

4. To date, Respondents have not produced any quarterly or yearly federal and state tax forms signed by or on behalf of Lost at DK for the period of October 1, 2017 through the present.

5. Respondents produced two pdf files entitled “2017 State Fed” and “2017 Fed Tax” that appear to be draft, unfiled, and unsigned standardized U.S. Individual Income Tax Return 1040 and Wisconsin Income Tax 1 forms from a service called “Free Tax USA.” These forms contain only Respondent Charles Bowers’ name, social security number, 2017 address, and other basic identifying information. All entries regarding substantive information (including gross income) are incomplete. In essence, these pdf files are blank individual tax return forms.

6. The payroll information Respondents have produced still has significant gaps. Specifically, to date, Respondents have not produced any payroll records showing the weekly hours worked by their employees or weekly amounts paid to their employees at Lost At DK from the period beginning on August 1, 2018 until Lost at DK’s ceased operations in the late fall of 2018. I believe Lost at DK’s operated until at least approximately the end of October 2018, and should have weekly payroll records for this time period.

7. Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct.

Dated: 6/20/19

  
JENNA CARTE